



Western Cape
Police

mbudsman

**Together
we can ensure
professional
policing in the
Western Cape**

**Xa simbambisene
amapolisa angenza
umsebenzi
ngobuchule
eNtshona Koloni**

**Ons kan tesame
verseker dat daar
beter polisiering
in die Wes-Kaap
plaasvind**

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The role of the Western Cape Police ombudsman in advancing professional policing

“People must be encouraged to speak out against maladministration with the surety that their complaints will be taken seriously and in confidence. Every citizen needs to be familiar with their obligations and duties. They must be able to claim the right to be treated justly, promptly and courteously, and to claim their due under the law. Only then will we be able to ensure that government is dedicated to public service and a culture of efficiency and transparency.”



Speech by President Mandela at the African regional workshop of the International Ombudsman Institution Pretoria, 26 August 1996.

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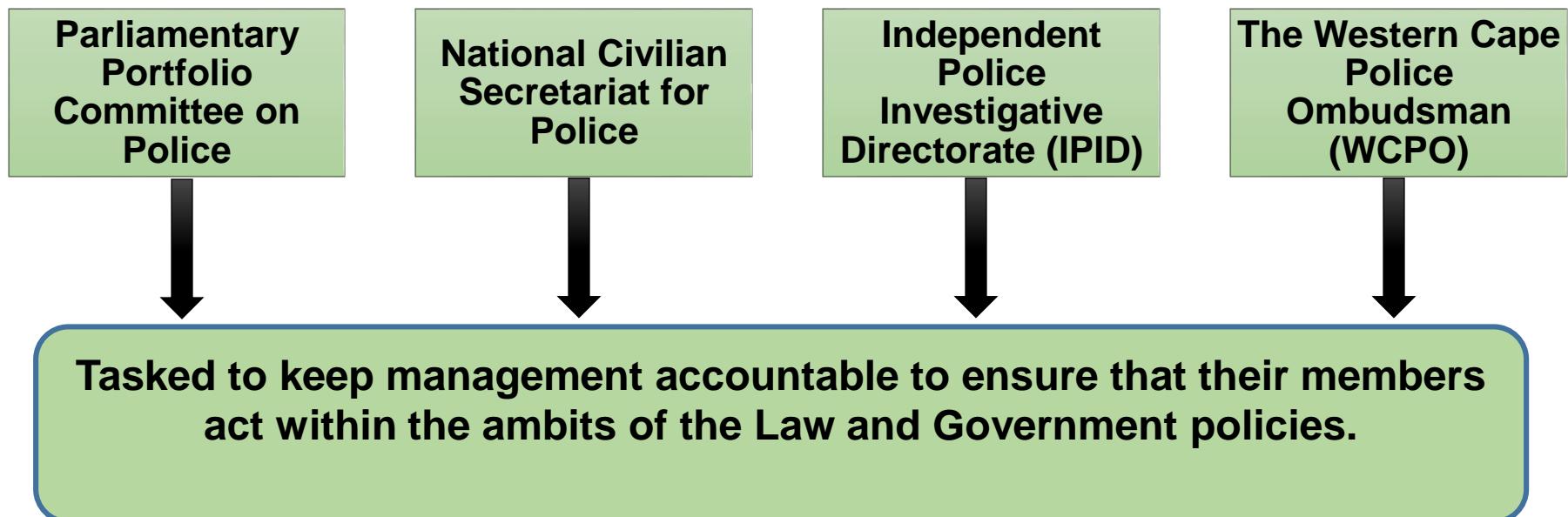
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PROBLEM STATEMENT

- The Police have powers to search with, or without, a warrant; can effect arrests, and use force when necessary.
- It increasingly happens that these powers are abused – which results in an increase in police brutality, misconduct, corruption and maladministration.
- It leads to mistrust from communities and a loss of faith from citizens in Policing.

CURBING THE PROBLEM

Civilian police oversight agencies established:



THE WCPO

- ❖ The Western Cape Police Ombudsman (WCPO) is situated in the Western Cape Province in the city center.
- ❖ It is the first office of its kind in South Africa.
- ❖ Transparency, responsiveness and accountability are the core of its mandate.
- ❖ The inferred mandate of the WCPO is to look at issues of functional inefficiencies of Policing in the Western Cape.

VISION AND MISSION STATEMENT



A society where there is mutual respect and trust between the people and the police.



To enhance the effectiveness and efficiency of Policing and to improve relations between the communities and the SAPS by conducting impartial and independent investigations of complaints in relation to police inefficiency and/or a breakdown of relations between the police and the communities, thus enhancing trust and public confidence in Policing.

LEGAL MANDATE

- **Section 206 of the Constitution of the Republic of South Africa, Act 108 of 1996**
 - Empowers Provinces to:
 - ❖ Monitor police conduct.
 - ❖ Oversee the effectiveness and efficiency of the police service.
 - ❖ Promote good relations between the police and the community.
 - ❖ Assess the effectiveness of visible policing.
 - ❖ Investigate, or appoint a commission of inquiry into, any complaint of police inefficiency or a breakdown in relations between the police and any community.
- **Section 66 (1) and (2) of the Constitution of the Western Cape, Act 1 of 1998**
 - Western Cape government — (a) may investigate, or appoint a commission of inquiry into, any complaints of police inefficiency or a breakdown in relations between the police and any community.
- **Section 15 of the Western Cape Community Safety Act, Act 3 of 2013**
 - The Ombudsman must -
 - (a) receive and may investigate complaints regarding inefficiency of the police or a breakdown in relations between the police and any community; and
 - (b) perform the other functions assigned to him or her under this Act.

POWERS OF THE WCPO

- The Act has conferred the following investigative powers to the WCPO:
 - Gain reasonable access to any building, premises, vehicle, property, information or document under the control of the Organ of State concerned;
 - Direct any person to submit an affidavit, or affirmed declaration or to appear before him, or to give evidence, or to produce any documentation that is in a person's possession or under his control, and may question that person;
 - Request an explanation from any person whom he reasonably suspects of having information which has a bearing on the matter being investigated or to be investigated.
- The WCPO may refer a complaint to another competent authority, if the complaint can be more appropriately dealt with by that authority.
- Complaints of a serious nature which may be more appropriately dealt with by a Commission of Inquiry, may be referred to the Premier with a recommendation for a Commission of Inquiry to be held into the complaint.

QUESTION?

Are recommendations implemented?



Thank you so much

Enkosi kakhulu

Baie dankie